

Calendar No. 505

78TH CONGRESS }
1st Session }

SENATE

{ REPORT
{ No. 500

M. C. ROBERTS

OCTOBER 28 (legislative day, OCTOBER 25), 1943.—Ordered to be printed

Mr. ROBERTSON, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 2600]

The Committee on Claims, to whom was referred the bill (H. R. 2600) for the relief of M. C. Roberts, having considered the same, report favorably thereon with the recommendation that the bill do pass, without amendment.

The facts are fully set forth in House Report No. 754, Seventy-eighth Congress, first session, which is appended hereto and made a part of this report.

[H. Rept. No. 754, 78th Cong., 1st sess.]

The Committee on Claims, to whom was referred the bill (H. R. 2600) for the relief of M. C. Roberts, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the proposed legislation is to pay the sum of \$1,784.90 to M. C. Roberts, of Tulsa, Okla., in full settlement of all claims against the United States for personal injuries, medical and hospital expenses incident thereto, sustained by his son, Pvt. Robert G. Roberts, when the automobile in which he was riding was involved in a collision near Sapulpa, Okla., on November 30, 1940.

STATEMENT OF FACTS

About noon on November 30, 1940, Pvt. (1st cl.) Robert G. Roberts and six other enlisted men of Company L, One Hundred and Eightieth Infantry, Forty-fifth Division, Fort Sill, Okla., having passes evidencing official permission to be absent from that post from noon of that day until 6 a. m., December 2, 1940, agreed to pay \$35 to a garage owner in Lawton, Okla., for the use of his privately owned automobile in making a trip to Tulsa, Okla., during the period of their furlough. The owner of the car provided a civilian driver, Jed Hollingsworth.

When within a short distance of Oklahoma City the soldiers became dissatisfied with the manner in which Mr. Hollingsworth was driving and, upon learning that he could not produce a driver's license, one of the soldiers, Pvt. Ray Bilby, replaced Mr. Hollingsworth as driver. About midnight, while traveling at a speed of approximately 55 miles per hour, the right front tire of the automobile blew out, causing the automobile to turn over and resulting in the serious injury of Pvt. (1st cl.) Roberts and the injury of three of the other soldiers, all of whom were taken to the city hospital in Sapulpa, Okla. It appears that Pvt. (1st cl.) Roberts remained in this hospital as a patient with the knowledge and tacit consent of his commanding officer until January 26, 1941, during which period obligations were incurred for the services of physicians and nurses, together with hospital expenses aggregating the sum of \$1,784.90, the amount specified in H. R. 2600. These obligations have been paid in full by Mr. M. C. Roberts, the father of the injured soldier, Pvt. (1st cl.) Robert G. Roberts, who was honorably discharged from the Army on May 27, 1942, at Camp Barkeley, Tex., as a result of the injuries sustained by him in this accident. The present bill provides simply for the reimbursement of Mr. M. C. Roberts for the medical and hospital bills so paid by him.

This bill is merely to reimburse Mr. Roberts for actual medical and hospital expenses incurred by him during the illness of his son, and contains nothing for the pain and suffering of the boy. The War Department in its report of September 11, 1943, interposes no objection to the proposed legislation. It feels that Mr. Roberts should be reimbursed for the expenses incurred in the treatment of his son. Therefore your committee concur in the recommendation of the War Department and recommend the payment of \$1,784.90 as set out in the bill. Appended hereto is the report of the War Department together with other pertinent evidence.

[NOTE.—Canceled checks in the amount of \$1,784.90 are on file with the committee.]

WAR DEPARTMENT,
Washington, D. C., September 11, 1943.

HON. DAN R. McGEHEE,
Chairman, Committee on Claims,
House of Representatives.

DEAR MR. McGEHEE: The War Department will interpose no objection to the enactment of H. R. 2600 (78th Cong.), a bill which would authorize and direct the Secretary of the Treasury to pay to M. C. Roberts, of Tulsa, Okla., "the sum of \$1,784.90, in full settlement of all claims against the United States for medical and hospital expenses paid by M. C. Roberts on account of personal injuries sustained by his son, Pvt. Robert G. Roberts, United States Army, when the automobile in which he was riding was involved in a collision, in line of duty, near Sapulpa, Okla., on November 30, 1940."

About noon on November 30, 1940, Pvt. (1st cl.) Robert G. Roberts and six other enlisted men of Company L, One Hundred and Eightieth Infantry, Forty-fifth Division, Fort Sill, Okla., having passes evidencing official permission to be absent from that post from noon of that day until 6 a. m., December 2, 1940, agreed to pay \$35 to a garage owner in Lawton, Okla., for the use of his privately owned automobile in making a trip to Tulsa, Okla., during the period of their furlough. The owner of the car provided a civilian driver, Jed Hollingsworth. When within a short distance of Oklahoma City the soldiers became dissatisfied with the manner in which Mr. Hollingsworth was driving and, upon learning that he could not produce a driver's license, one of the soldiers, Pvt. Ray Bilby, replaced Mr. Hollingsworth as driver. About midnight, while traveling at a speed of approximately 55 miles per hour, the right front tire of the automobile blew out, causing the automobile to turn over and resulting in the serious injury of Private (First Class) Roberts and the injury of three of the other soldiers, all of whom were taken to the city hospital in Sapulpa, Okla. It appears that Private (First Class) Roberts remained in this hospital as a patient with the knowledge and tacit consent of his commanding officer until January 26, 1941, during which period obligations were incurred for the services of physicians and nurses, together with hospital expenses, aggregating the sum of \$1,784.90, the amount specified in H. R. 2600. These obligations have been paid in full by Mr. M. C. Roberts, the father of the injured soldier, Pvt. (1st cl.) Robert G.

Roberts, who was honorably discharged from the Army on May 27, 1942, at Camp Berkeley, Tex., as a result of the injuries sustained by him in this accident. The present bill provides simply for the reimbursement of Mr. M. C. Roberts for the medical and hospital bills so paid by him.

H. R. 6747 was introduced in the Seventy-seventh Congress for the relief of "M. C. Roberts and Robert Roberts (collectively)" in the amount of \$2,400. The War Department opposed the enactment of the bill on the ground that there were no exceptional facts which would justify granting the beneficiaries named in the bill substantial benefits not conferred by general law on other persons in like circumstances, and for the further reason that the payment of compensation to Private (First Class) Roberts was a matter pertaining to the Veterans' Administration. That bill was not enacted.

However, the present bill, which proposes to reimburse M. C. Roberts only for the actual medical and hospital expenses paid by him as a result of the injury of his son, presents a different situation.

Prior to July 2, 1942, there was no statute or appropriation available to the War Department under which a claim for the cost of the treatment of a soldier in a private hospital or by a civilian physician might be paid in a case where the soldier was on furlough or leave of absence in excess of 24 hours.

The Military Appropriation Act, 1941, approved June 13, 1940 (54 Stat. 350, 366), which was in effect at the time Private (First Class) Roberts was injured, in appropriating funds for the maintenance of the Medical Department of the Army, provided—

"* * * for medical care and treatment of patients, * * * including care and subsistence in private hospitals of officers, enlisted men, and civilian employees of the Army, * * * when entitled thereto by law, regulation, or contract: *Provided*, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furloughs or leaves of absence in excess of twenty-four hours * * *."

A similar provision was contained in the Military Appropriation Act, 1942, approved June 30, 1941 (55 Stat. 366, 379).

The Congress, however, changed this policy by the Military Appropriation Act, 1943, approved July 2, 1942 (56 Stat. 611, 620), which appropriated funds—

"* * * for medical care and treatment of patients, including supernumeraries, not otherwise provided for, including care, treatment and subsistence in private hospitals of military personnel and members of the Women's Army Auxiliary Corps, *whether on duty or on furlough or on leave of absence* except when elective medical treatment has been obtained by such personnel in civilian hospitals or from civilian physicians or dentists, civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract * * *." [Italics supplied.]

The Military Appropriation Act, 1944, approved July 1, 1943 (Public Law 108, 78th Cong.), appropriated funds—

"* * * for medical care and treatment of patients when entitled thereto by law, regulation, or contract, including their care, treatment and subsistence in private hospitals, *whether on duty or on furlough or on leave of absence* except when elective medical treatment has been obtained by such personnel in civilian hospitals or from civilian physicians or dentists * * *." [Italics supplied.]

In this connection attention is invited to Private Law 350. Seventy-seventh Congress, approved April 6, 1942, which authorized and directed the Secretary of the Treasury to pay "to Johnston-Hall Hospital, Calhoun, Georgia, the sum of \$65, and to Doctor Z. V. Johnston, Calhoun, Georgia, the sum of \$75, to compensate them for the cost of an emergency operation and hospitalization * * * in the case of Corporal Henry Grady Lay, Junior." The War Department recommended the enactment of that bill (see H. Rept. No. 1786, 77th Cong.).

Inasmuch as Private (First Class) Roberts sustained the injuries in question on November 30, 1940, and incurred the expenses for the treatment thereof prior to the date when the Military Appropriation Act, 1943, became operative, there is no statute or appropriation under which such expenses may now be paid. However, as the Congress by including the above-quoted provisions in the Military Appropriation Acts, 1943 and 1944, has recognized the justice and equity of claims of this character for reimbursement for the cost of medical and hospital expenses incurred by soldiers and as there is an adequate showing that Private (First Class) Roberts was placed in a civilian hospital in an emergency, while on official leave, as he remained there with the knowledge and consent of Army authorities so long as it was necessary for him to be hospitalized, and as all expenses were paid by Mr.

M. C. Roberts, it is the view of the War Department that Mr. Roberts should be reimbursed in the amount of such expenses. The claim of Mr. M. C. Roberts for reimbursement for the medical and hospital expenses incurred on behalf of his son is entirely separate and distinct from any claim which Private (First Class) Roberts may present to the Veterans' Administration for compensation for disability sustained in this accident.

The fiscal effect of the bill is manifest.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

AFFIDAVIT

STATE OF OKLAHOMA,
County of Tulsa, ss:

M. C. Roberts, of lawful age, having first been duly sworn, on oath states:

That he is now and for 12 years has been a resident of Tulsa, Okla.;

That he is the father of Pvt. Robert G. Roberts, Company L, One Hundred and Eightieth Infantry, Forty-fifth Infantry Division, United States Army, and that said Pvt. Robert G. Roberts was a member of said company, regiment, and division when the National Guard was mobilized into Federal service in September 1940;

That Pvt. Robert G. Roberts was issued a legal pass by his superior officers at Fort Sill, Okla., on November 30, 1940, and, in company with certain other soldiers, started by automobile for Tulsa, Okla., so that he might spend Sunday, December 1, 1940, at his home;

That said automobile in which Private Roberts was a passenger was wrecked in an accident near Sapulpa, Okla., no other vehicle being involved, and that said Private Roberts was removed in an unconscious condition to Sapulpa City Hospital where he was admitted as a patient at about 12:10 a. m., December 1, 1940; that Private Roberts remained as a patient in Sapulpa City Hospital for a period of 57 days; that he was unconscious and partially paralyzed for the first 28 days following admission to the hospital and that a minor paralysis of his right leg continued long after his discharge from said hospital;

Affiant further states that the injuries of Private Roberts were first treated by C. B. Reese, M. D., J. F. Curry, M. D., Wm. Longmire, Jr., M. D., and the nursing staff of Sapulpa City Hospital; that, because it appeared Private Roberts was in imminent danger of death from an injury to his brain, affiant procured the professional services of Fred A. Glass, M. D., Tulsa, Okla., and Harry Wilkins, M. D., Oklahoma City, Okla., to consult with the attending physicians to determine whether an operation should be performed to relieve the pressure upon the brain of Private Roberts, said pressure being caused by an injury to the brain; that Drs. Glass and Wilkins observed and examined Private Roberts and gave counsel and instructions to the attending physicians and nurses as to treatment of Private Roberts' injuries and such treatment was thereafter carried forward by Drs. J. F. Curry and William Longmire, Jr., assisted by Registered Nurses Nola Hufstedler and Lola B. Wresche;

Affiant further states that he employed Nola Hufstedler and Lola B. Wresche, registered nurses, to nurse Private Roberts 24 hours each day because the physical and mental condition of Private Roberts was such that he could not be left unattended for an instant during his 57 days of confinement in Sapulpa City Hospital and, in fact, for several weeks after his removal from the hospital to the home of his parents in Tulsa, Okla.

Affiant further states that Private Roberts was taken to the home of his parents in Tulsa, Okla., on January 26, 1941, and that the services of Nurse Hufstedler were continued there until February 7, 1941; that for several weeks after February 7, 1941, Private Roberts was attended by his mother during each day and by affiant during each night until the mental condition of Private Roberts improved sufficiently that such constant attendance was no longer necessary;

Affiant further states that for several months after Private Roberts was brought home from the hospital it was necessary to have him kept under observation and treatment supervised by Dr. Ned R. Smith, psychiatrist, of Tulsa, Okla., so that everything possible might be done to bring Private Roberts' mental condition back to a normal state;

Affiant further states that on or about December 4, 1940, while Private Roberts lay unconscious, three commissioned officers from the One Hundred and Eightieth Infantry Regiment, Forty-fifth Division, United States Army, came to Sapulpa City Hospital, stated they were investigating the circumstances under which Private Robert and others had been injured, and received information from the hospital staff concerning the condition of Private Roberts; that these officers were informed the condition of Private Roberts would not permit his removal to a Government hospital or elsewhere and that said officers agreed Private Roberts should be permitted to remain in Sapulpa City Hospital.

Affiant further states that to the best of his knowledge and belief, said officers thereafter returned to Fort Sill, Okla., and reported to the major general commanding the Forty-fifth Infantry Division that Private Roberts incurred his injuries in the line of duty and that such injuries were not the result of misconduct.

Affiant further states that said commissioned officers who made this investigation were Lieutenant Colonel Cox, Major Holcomb, and Capt. James Maloney and that Captain Maloney was at that time commanding officer of Company L, One Hundred and Eightieth Infantry.

Affiant further states that from December 4, 1940, until early in October 1941, neither he nor Pvt. Robert G. Roberts received any communication from the United States Army or the Forty-fifth Infantry Division, except a letter dated July 16, 1941, from Maj. Gen. Wm. S. Key; that from December 4, 1940, until October 1941, no officer of the Army visited Private Roberts and that from the time of his injury on November 30, 1940, to October 1941, no one connected with the Army or War Department requested that Private Roberts be returned to duty or to a Government hospital;

Affiant further states that the afore-mentioned letter of July 16, 1941, written by Maj-Gen. Wm. S. Key, commanding, Forty-fifth Infantry Division, was in response to affiant's letter of July 14, 1941, wherein affiant asked if the Army would pay any part of affiant's expense in the hospitalization and medical treatment of his son, Pvt. Robert G. Roberts, that the aforesaid letter of Major General Key is attached hereto and made a part of this affidavit; that the said letter of General Key states, amongst other things:

1. That Army regulations did not permit of reimbursement to affiant for his expenses in the hospitalization and treatment of Private Roberts.

2. That Private Roberts was absent from his Army duties by reason of a legal pass issued by his superior officers.

3. That the line-of-duty board found the accident in which Private Roberts was injured occurred in the line of duty.

Affiant further states that early in October 1941 he received a letter from First Lt. Thomas R. Parker, Company L, One Hundred Eightieth Infantry, Forty-fifth Infantry Division, Camp Barkeley, Tex., asking that Pvt. Robert G. Roberts return to his company, if fit to travel; that in compliance with this letter from Lieutenant Parker, affiant and Private Roberts left Tulsa on October 16, 1941, and arrived at Camp Barkeley, Tex., and reported to Lieutenant Parker October 17, 1941, and on that same day, by request of Lieutenant Parker, Private Roberts was admitted to the United States Army station hospital at Camp Barkeley for observation so that it might be determined whether Private Roberts was fit to return to duty.

Affiant further states that early in November 1941, said Private Roberts was discharged from station hospital, Camp Barkeley, Tex., as being fit to perform his duties as a soldier; that Private Roberts since that time has been and is now on duty with Company L, One Hundred Eightieth Infantry, Forty-fifth Infantry Division.

Affiant further states that the total cost of hospitalization and treatment of Pvt. Robert G. Roberts amounted to some \$2,200 to \$2,400, including ambulance fees, hotel bills at Sapulpa for affiant and wife, transportation costs and other miscellaneous items. but that the main and principal costs of such treatment and hospitalization were those set out here:

To Sapulpa City Hospital for room, board, medicines, X-rays, bandages etc.....	\$373. 90
To Dr. J. F. Curry for professional services.....	200. 00
To Dr. Fred A. Glass for professional services.....	35. 00
To Dr. Harry Wilkins for professional services.....	125. 00
To Nurse Nola Hufstедler for professional services.....	556. 00

To Nurse Lola B. Wresche for professional services-----	\$476. 00
To Dr. Wm. Longmire, Jr., for professional services-----	(1)
To Dr. Ned R. Smith for professional services-----	19. 00
Total-----	1, 784. 90

¹ No charge.

Affiant further states that he has paid all these bills and charges in full, as evidenced by his canceled checks properly endorsed by the respective payees, which canceled checks are attached hereto and made a part thereof;

And affiant further states he believes himself to be entitled to reimbursement from the United States Government in the sum of \$1,784.90 for expenses paid by him as itemized herein.

M. C. ROBERTS.

Sworn to before me, a notary public in and for aforesaid county and State, on this 24th day of February 1942.

[SEAL]

NORA B. FIELDS, *Notary Public.*

My commission expires September 3, 1944.

HEADQUARTERS, FORTY-FIFTH DIVISION,
Camp Barkeley, Tex., July 16, 1941.

Mr. M. C. ROBERTS,
Tulsa, Okla.

DEAR MR. ROBERTS: I am in receipt of your letter of July 14, regarding the hospital, nurses' and doctors' bills necessitated by the injury of your son, Robert Roberts, while on weekend leave November 30, 1940.

I have checked Army regulations and have conferred with officers of my staff who handle such matters and I regret very much to advise you that Army regulations only provide for the payment of civilian hospital, doctor, and nurse expenses when the injury or illness occurs on a pass or furlough for an original term of not to exceed 24 hours. For your information this is set out in paragraph 3b (1) of Army Regulations 40-505.

I have checked with the First Sergeant Corbin of Company L, One Hundred and Eightieth Infantry in the hope that the pass of your son did not exceed 24 hours, but he advises me that it extended from Saturday noon, November 30, to reveille December 2, which, of course, is in excess of 24 hours.

It is very regrettable that this particular limit is fixed by Army regulations, and especially so in view of the fact that you were led to believe by some of the officers that this bill would be paid.

Since the line-of-duty board found that the accident occurred in line of duty, I should think that you would be able to obtain any further hospitalization needed in a Government hospital if you care to do so.

We are all extremely sorry to know of the serious injury received by your son and the terrible results and I am delighted to learn of the progress he has made thus far and I express the sincere hope that his future progress will be marked and rapid.

Thank you for the messages from Mrs. Benton and Mrs. Roberts. Please convey to them my very best wishes.

Yours very truly,

WM. S. KEY,
Major General, Army of the United States,
Commanding.

STATEMENT BY ROBERT G. ROBERTS, PRIVATE (FIRST CLASS), COMPANY L,
ONE HUNDRED AND EIGHTIETH INFANTRY, FORTY-FIFTH INFANTRY DIVISION

MARCH 17, 1942.

Being now on leave from the United States Army station hospital at Camp Barkeley, Tex., I make this statement before a notary public in Tulsa County, Okla.

On November 30, 1940, I was given a leave-of-absence pass by my commanding officer, Capt. James H. Maloney, of Company L, One Hundred and Eightieth Infantry. My company was stationed at Fort Sill, Okla. This pass was given

to me so that I might go to my home in Tulsa for a Sunday visit. The pass was for the period from 1 p. m. November 30, to 6 a. m. December 2, 1940, as I recall. Many other men of the company received similar passes at the same time and for the same reason, since Company L, a National Guard unit, was composed mainly of men from Tulsa and vicinity.

After receiving this pass, I proceeded to the nearby town of Lawton, Okla., and went to the bus depot there. While I was standing in line waiting to purchase a bus ticket from Lawton to Tulsa, some other men from Company L saw me there and suggested I ride to Tulsa with them in an automobile they had hired for that purpose. I joined these men and found they had rented a car from a man named Hollingsworth or Hollandsworth, who was also a soldier of the Forty-fifth Division. I did not know him at that time but I understand the car was his.

We left Lawton in the late afternoon of November 30, 1940. Hollandsworth was at the wheel. Passengers were Sgt. Leslie Crawley, Corp. (now Sgt.) Bennett Harvey, Pvts. Herbert Roberts (no relation to the undersigned) Ray Wilson, Ray Bilby, and myself. The car was a big Buick sedan, 3 or 4 years old.

Hollandsworth drove most of the way to Tulsa and our only stops were for gasoline. At one such stop Hollandsworth, being tired, was replaced by Ray Bilby as driver. Shortly after Bilby began to drive, I fell asleep. I was riding in the front seat, next to the door. Herbert Roberts sat between Bilby and myself and had fallen asleep before I did.

I do not remember anything more until some 8 weeks later when I realized I was at my home in Tulsa. I have been told by the doctors and nurses who attended me that I was completely unconscious for 4 weeks and paralyzed for most of that time; that for the next 4 weeks I was conscious but irrational. I have no recollection of my stay of 8 weeks in Sapulpa City Hospital.

Since I was asleep when the accident happened I know only what I have been told about it by others who were in the car and by my parents who received their information from others who were in the car with me. These men say the automobile was travelling some 40 miles per hour, failed to negotiate a curve, ran into a ditch on the right side of the road, then crossed the road and rolled down an embankment. Apparently I was thrown out when the car turned over, because the Oklahoma highway patrolmen who discovered the wreck and called ambulances have told my parents that I lay on the pavement when they arrived on the scene, whereas the car was several yards away from where I was found. I understand that the patrolmen who came to our rescue after the wreck were driving west, whereas we were coming east.

My service record shows I was injured in line of duty and that my injuries were not the result of misconduct.

I returned and reported to the commanding officer of my company October 17, 1941. At his request I was admitted to the station hospital on the same day and remained there under observation for 3 weeks. I was then sent back to active duty with Company L, but was re-admitted to the station hospital on January 26, 1942, after I had fainted during combat maneuvers. I am now on furlough from station hospital for a period of 15 days expiring March 20, 1942.

ROBERT G. ROBERTS.

Sworn to before me, a notary public in and for Tulsa County, State of Oklahoma, this 17th day of March 1942.

[SEAL]

V. T. SQUIRES, *Notary Public*.

My commission expires May 18, 1942.

AFFIDAVIT

STATE OF OKLAHOMA,
County of Creek, ss:

J. F. Curry, of lawful age, having first been duly sworn, on oath states:

That he is a licensed and practicing physician and surgeon of Sapulpa, Okla.; that on December 1, 1940, at about 1 o'clock a. m., he was summoned to Sapulpa City Hospital in Sapulpa, Okla., to treat one Robert G. Roberts, private first class, United States Army, who had been admitted to said hospital a few minutes earlier as an emergency case; that said Private Roberts had been injured in an automobile accident and was then unconscious and partially paralyzed; that he remained unconscious for a period of 28 days and was confined to said hospital until January 26, 1941, on which date affiant gave consent so that said Private

Roberts might be removed to the home of his parents in Tulsa, Okla.; that affiant attended and treated said Private Roberts at least daily and sometimes more often during the 57 days of confinement at Sapulpa City Hospital; that affiant directed and supervised the administering of drugs, medicines, and nourishment to said Private Roberts who was fed intravenously only for some 3 weeks, and thereafter by gavage until return of consciousness permitted feeding by mouth; that in treatment of said Private Roberts affiant was occasionally assisted by William Longmire, Jr., M. D., of Sapulpa, Okla.; that affiant's charges for professional services in the treatment of said Private Roberts were \$200 in total; that said charges of \$200 have been paid in full by M. C. Roberts, father of said Private Roberts, and all affiant's claims for professional services have been satisfied.

Affiant further states that it would have been impossible to move Private Roberts to a Government hospital or any other place, prior to January 26, 1941, without grave danger to his life.

Further affiant says not.

J. F. CURRY, M. D.

Sworn to before me, a notary public in and for the aforesaid county and State, on this 19th day of February 1942.

[SEAL]

MARGARET KELLY, Notary Public.

My commission expires March 11, 1944.

J. F. CURRY, M. D.

Physician and Surgeon

SAPULPA, OKLA.

ROBERT ROBERTS,

Company L, One Hundred and Eightieth Infantry, Forty-fifth Division.

Statement of your account as it appears November 30-January 26, 1940-41:

To professional services, Robert Roberts----- \$200

Pd. J. F. Curry, M. D.

AFFIDAVIT

STATE OF OKLAHOMA,

County of Tulsa, ss:

Fred A. Glass, M. D., of lawful age, having first been duly sworn, on oath states:

That he is a licensed and practicing physician of Tulsa, Okla.; that on December 1, 1940, he was called into consultation with J. F. Curry, M. D. and Wm. Longmire, Jr., M. D., both of Sapulpa, Okla., at Sapulpa City Hospital, in the case of Robert G. Roberts, private, United States Army; that he examined said Private Roberts who had been admitted injured and unconscious to said hospital as the result of an automobile accident; that said Private Roberts was then unconscious and partially paralyzed; that affiant made such suggestions as he felt would be helpful in treating and saving the life of said Private Roberts; that affiant suggested there be called in on the case Harry Wilkins, M. D., specialist in brain surgery, of Oklahoma City, Okla.; that affiant reached Dr. Wilkins by telephone and urged him to proceed at once from Oklahoma City to Sapulpa City Hospital, to which Dr. Wilkins agreed; that affiant's fees and charges for professional services in the case of Pvt. Robert G. Roberts were \$35, all of which was fully paid and satisfied by M. C. Roberts, father of said Pvt. Robert G. Roberts.

Further, affiant says not.

FRED A. GLASS.

Sworn to before me, a notary public in and for the aforesaid county and State, on this 24th day of February 1942.

[SEAL]

NORA B. FIELDS, Notary Public.

My commission expires Sept. 3, 1944.

FRED A. GLASS, M. D.,
Tulsa, Okla., February 23, 1942.

Mr. M. C. ROBERTS,
1647 South College, Tulsa.

To professional services Patient Robert Roberts:

December 19, 1940. Statement (professional services)----- \$35
January 6, 1941. Credit by check (account in full)----- 35

AFFIDAVIT

STATE OF OKLAHOMA,
County of Creek, ss:

Mrs. Eva Webb, of lawful age, having first been duly sworn, on oath states:

That on November 30, 1940, she was and since that date has been employed as superintendent of Sapulpa City Hospital, Sapulpa, Okla.; that she was on duty at Sapulpa City Hospital the night of November 30, 1940, when Robert G. Roberts, private first class, Company L, One Hundred and Eightieth Infantry, Forty-fifth Division, was admitted as a patient to said Sapulpa City Hospital as an emergency case; that said Pvt. Robert G. Roberts had suffered injury in an automobile accident a few minutes prior to admission to said hospital; that said Pvt. Robert G. Roberts was in an unconscious condition and partially paralyzed when admitted to said hospital and that he remained unconscious from the night of November 30, 1940, until December 28, 1940; that he was a patient in said hospital until January 26, 1941, and during that period was attended by private nurses 24 hours each day; that drugs and medicines were administered to said Pvt. Robert G. Roberts as prescribed by the attending physicians and surgeons, that X-rays were made also as directed or required by the attending physicians; that the cost of hospitalization of said Private Roberts was \$373.90 itemized as shown below:

For room, bed, and board, 57 days-----	\$272. 25
For drugs, medicines, etc-----	68. 15
For surgical dressing-----	8. 50
For X-rays-----	25. 00

That the entire account of \$373.90 due Sapulpa City Hospital has been satisfied and paid in full by M. C. Roberts, father of Pvt. Robert G. Roberts, and the records of Sapulpa City Hospital reflect full payment of said account; that Nola Hufstедler, registered nurse, attended said Private Roberts as day nurse during his confinement at Sapulpa City Hospital and for some time after his release from said hospital and that affiant knows and states that said Nurse Hufstедler was paid for her services a total of \$556 by M. C. Roberts, father of Pvt. Robert G. Roberts; that Lola B. Wresche, registered nurse, attended said Private Roberts as night nurse during his confinement at said hospital and that affiant knows and states that said Nurse Wresche was paid for her services, a total of \$476 by M. C. Roberts, father of Pvt. Robert G. Roberts:

Affiant further states that among Private Roberts' possessions and effects was a pass issued by the Forty-fifth Division, granting Private Roberts a week-end leave from Fort Sill, Okla., and that from this pass and other effects it was possible to identify said Private Roberts and locate his parents at their home in Tulsa, Okla.

Affiant further states that Private Roberts was in such dangerous condition as a result of his injuries that it was impossible to move him from Sapulpa City Hospital to any Government hospital except at extreme risk to his life prior to the date he was removed to his home.

Affiant further states that three commissioned officers from the Forty-fifth Division, including a major of the Medical Corps, visited Sapulpa City Hospital approximately 3 days after Private Roberts was admitted as a patient, made inquiries as to his condition, and then departed, and that thereafter no inquiries were made of her or of Sapulpa City Hospital as to the condition of the patient by any officer of the Army, nor was any suggestion ever received that the patient should be transferred to any Government hospital.

Further affiant says not.

EVA J. WEBB, R. N.

Sworn to before me, a notary public in and for the aforesaid county and State, on this 19th day of February 1942.

[SEAL]

MARGARET KELLY, Notary Public.

My commission expires March 11, 1944.

ROBERT ROBERTS,
*Company L, One Hundred and Eightieth Infantry, Forty-Fifth Division,
 Fort Sill, Okla.*

TO SAPULPA CITY HOSPITAL

Sapulpa, Okla.

To room, bed, board, and general nursing, Nov. 30, 1940-Jan. 26, 1941, at \$3 and \$5 per day-----	\$272. 25
To drugs, medicine, etc-----	68. 15
To surgical dressing-----	8. 50
To extras, X-rays-----	25. 00
Total-----	373. 90

Approved: Paid in full.

EVA J. WEBB,
Superintendent.

FORTY-FIFTH DIVISION TRAINING CENTER

LEAVE OF ABSENCE PASS

FT. SILL, OKLA., *November 30, 1940.*

Robert G. Roberts, private first-class, Company L, One Hundred and Eightieth Infantry, of this organization, has permission to be absent from camp and his organization from: 1 p. m., November 30, 1940, to 6 a. m., December 2, 1940, for the purpose of going home to Tulsa.

JAMES H. MALONEY,
*Captain Commanding Company L,
 One Hundred and Eightieth Infantry.*

AFFIDAVIT

STATE OF OKLAHOMA,
County of Oklahoma, ss:

Harry Wilkins, M. D., of lawful age, having first been duly sworn, on oath states: That he is a licensed and practicing physician and surgeon of Oklahoma City, Okla.;

That on December 1, 1940, he was requested by Dr. Fred Glass and M. C. Roberts to examine Pvt. Robert G. Roberts of Co. L, One Hundred Eightieth Infantry, who was then a patient in Sapulpa City Hospital, Sapulpa, Okla., and to consult with J. F. Curry, M. D., and to perform any operation upon said Private Roberts that, in affiant's judgment, might be required;

That examination showed Private Roberts to be suffering from an injury to his brain, sustained in an automobile accident, as a result of which Private Roberts was unconscious and in a critical condition;

That affiant, after examination and several hours of observation, decided no operation upon the skull or brain should be performed;

That affiant gave certain suggestions and instructions for the treatment and care of said Private Roberts, and thereafter at different times consulted and counseled with said Dr. J. F. Curry, M. D.

That affiant's charges for the professional services and expenses of himself and assisting nurse were \$125 in total and that such charges were paid in full to affiant by M. C. Roberts, father of said Private Roberts;

And affiant further states that at the time he observed and assisted in the treatment of Private Roberts said Private Roberts was in such serious condition it would have been impossible to move him to any Government hospital or other hospital without extreme risk of his life.

Further affiant says not.

HARRY WILKINS, M. D.

Sworn to before me, a notary public in and for the aforesaid county and State, on this 16th day of February 1942.

[SEAL]

MINNIE C. WILSON,
Notary Public.

My commission expires June 16, 1945.

DRS. WILKINS & HERRMANN,
Oklahoma City, Okla., February 16, 1942.

Mr. M. C. ROBERTS,
1647 South College Ave., Tulsa, Okla.

To professional services for patient Robert Roberts:

December 1, 1940: Trip to Sapulpa, Okla., and consultation with
Dr. Curry..... \$125
December 12, 1940: Paid in full.

HARRY WILKINS, M. D.

AFFIDAVIT

STATE OF OKLAHOMA,
County of Tulsa, ss:

Miss Nola Hufstedler, of lawful age, having first been duly sworn, on oath states:

That she is a registered and practicing nurse, of Tulsa, Okla.; that on December 1, 1940, she was summoned to Sapulpa City Hospital, Sapulpa, Okla., to take private duty as nurse to Robert G. Roberts, private, Company L, One Hundred and Eightieth Infantry, a patient in said hospital; that said Private Roberts was then unconscious and remained unconscious until December 28, 1940; that affiant attended said Private Roberts 12 hours per day until February 5, 1941, a total of 66½ days, for which her charges for professional services amounted to a total of \$556, all of which was paid to affiant by Mr. and Mrs. M. C. Roberts, parents of said Private Roberts, and the entire amount due affiant was thereby satisfied.

Further affiant says not.

NOLA HUFSTEDLER, R. N.

Sworn to before me, a notary public in and for the aforesaid county and State, on this 14th day of February 1942.

[SEAL]

V. T. SQUIRES, Notary Public.

My commission expires May 18, 1942.

*Nola Hufstedler, R. N., in account with Private Robert G. Roberts, Co. L
One Hundred Eightieth Infantry, Dec. 2, 1940, to Feb. 7, 1941*

6 days, Dec. 2 to Dec. 8, 1940, at \$8.50 per 12-hour day.....	\$58.00
Week of Dec. 9 to Dec. 15, 1940.....	59.50
Week of Dec. 16 to Dec. 22, 1940.....	59.50
Week of Dec. 23 to Dec. 29, 1940.....	59.50
Week of Dec. 30, 1940, to Jan. 5, 1941.....	59.50
Week of Jan. 6, to Jan. 12, 1941.....	59.50
Week of Jan. 13, to Jan. 19, 1941.....	59.50
Week of Jan. 20 to Jan. 26, 1941.....	59.50
Week of Jan. 27 to Feb. 3, 1941.....	59.50
2 12-hour and 1 8-hour days to Feb. 7, 1941.....	22.00
Total.....	<u>556.00</u>

Paid in full:

By M. C. Roberts.....	534.00
By Mrs. M. C. Roberts.....	22.00

NOLA HUFSTEDLER, R. N.
Reg. No. 7092.

AFFIDAVIT

STATE OF CALIFORNIA,
County of Los Angeles, ss:

Lola B. Wresche, of lawful age, having first been duly sworn, on oath states:

That she is a registered nurse and on the night of November 30–December 1, 1940, was on duty at Sapulpa City Hospital, Sapulpa, Okla., when there was admitted to said hospital as an emergency case one Pvt. Robert G. Roberts, of

Company L, One Hundred Eightieth Infantry; and that said Private Roberts had suffered a head injury in an automobile accident and was unconscious when admitted to the hospital;

And affiant further states that the following evening, December 1, 1940, she was employed as private night nurse for said Private Roberts and thereafter attended him every night from 7 p. m. until 7 a. m. until and including the night of January 25, 1941;

And affiant further states that said Private Roberts remained unconscious until December 28, 1940, and, in the opinion of affiant, could not safely have been moved to a Government hospital at any time prior to January 26, 1941, when he was removed to the home of his parents in Tulsa, Okla.;

Affiant further states that her charges for professional services in attending Private Roberts 12 hours per night for 56 nights amounted to \$476 in total, all of which was paid to affiant by M. C. Roberts, father of Pvt. Robert G. Roberts.

Further affiant says not.

LOLA B. WRENCH, R. N.

Sworn to before me, a notary public in and for the aforesaid county and State, on this 10th day of February, 1942.

[SEAL]

C. J. HEIDER,

Notary Public in and for the County of Los Angeles, State of California.

My commission expires February 24, 1945.

Lola B. Wresche, R. N., in account with Private Robert G. Roberts, Company L, 180th Infantry, Dec. 1, 1940, to Jan. 26, 1941

Professional nursing services:

Week of Dec. 1-7, 1940, at \$8.50 per 12-hour day-----	\$59.50
Week of Dec. 8-15, 1940-----	59.50
Week of Dec. 16-22, 1940-----	59.50
Week of Dec. 23-29, 1940-----	59.50
Week of Dec. 30, 1940-Jan. 5, 1941-----	59.50
Week of Jan. 6-12, 1941-----	59.50
Week of Jan. 13-19, 1941-----	59.50
6 days, Jan. 19-24, 1941-----	51.00
1 day, Jan. 25, 1941-----	8.50

Total----- 476.00

Paid in full by M. C. Roberts.

LOLA B. WRESCH, R. N.,
Oklahoma license No. 1435.

AFFIDAVIT

STATE OF OKLAHOMA, *County of Tulsa, ss:*

Ned R. Smith, M. D., of lawful age, having first been duly sworn, on oath states:

That he is a licensed and practicing physician of Tulsa, Okla., specializing in the treatment of nervous and mental diseases;

That on January 31, 1941, he was called to the residence of M. C. Roberts in Tulsa, Okla., to observe and treat one Pvt. Robert G. Roberts of the Forty-fifth Infantry Division, United States Army, whose mental condition and strange behavior were causing concern to his parents;

That affiant learned said Private Roberts, a few days previously had been released from Sapulpa City Hospital where he had been under treatment for an injury to the brain;

That affiant consulted with the doctors who had treated said Private Roberts at Sapulpa City Hospital, and thereafter kept said Private Roberts under observation and treatment and directed the patient's nurse and parents in the treatment and rehabilitation of said Private Roberts;

That affiant's charges for professional services in the case of Pvt. Robert G. Roberts were \$19 in total, all of which has been fully paid to affiant by M. C. Roberts, father of Pvt. Robert G. Roberts.

Further affiant says not.

NED R. SMITH, M. D.

Sworn to before me, a notary public in and for aforesaid county and State, on this 24th day of February 1942.

[SEAL]

NORA B. FIELDS, *Notary Public*.

My commission expires September 3, 1944.

NED R. SMITH, M. D.,
Tulsa, Okla., February 23, 1942.

Mr. M. C. ROBERTS,
Box 731, Tulsa, Okla.

Professional services—Robert Roberts:

Jan. 31, 1941, house call.....	\$5
Mar. 12, 1941, office call.....	5
Apr. 15, 1941, office call.....	3
May 7, 1941, office call.....	3
Sept. 2, 1941, office call.....	3
Balance.....	19

Paid in full, February 23, 1942.

NED R. SMITH, M. D.

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